

**May 25, 2006 Minutes of
Bigfork Land Use Advisory Committee**

Members present: Phil Hanson, John Bourquin, Scott Hollinger, Jack Paulson, and Clarice Ryan.

Minutes of the April 27, 2006 meeting were approved as corrected.

Chairman Hollinger called the meeting to order at 4:10 PM

Item 1: A request by John and Marilyn Olson for a Conditional Use Permit to construct a multi-family dwelling within the Bigfork RA-1 (Residential Apartment) Zoning District. The property is located at 135 Bayside Drive.

Staff: **Rebecca Shaw** reported the application calls for two duplex units and a five-condo unit, which complies with the RA-1 multi-family zoning.

Applicant: **John Pearson** and **Greg Lukasik** presented renderings of the footprint and architectural look of the proposed development. The roadway provides a “hammerhead” shaped turnaround for Fire Dept. access. The condo unit will be built at the south end of the property; the two duplex units will be placed closer to the bay. Guest parking is provided.

Ron Incononado, builder for the project, described the construction as a combination of stone and timbers, floor to ceiling glass with an “old world mountain village” look. The historical use of the property was a Bed and Breakfast plus small cabins used for short term vacation rentals. He expected limited construction time and the units are to be sold individually with no short-term rentals expected. In answer to John Bourquin’s question of how many units in the previous complex, Incononado described one lodge with 6 small cabins.

Public Comment:

Elna Darrow: How is it obvious there will be no short-term rentals? Answer: Covenants preclude short-term rentals.

Toni Laurendeau: Has seen projects Ron Incononado has built and believes it will be a beautiful addition to the bay.

Andy Miller: Is a developer and thinks the project is exciting and will be an excellent addition to the area.

Gerry Molen: Thinks it is a great addition and likes the project.

Committee Discussion:

John Bourquin asked about the covenants. He commented that those were not included in the package for the Committee members. Answer: the attorney is finalizing Covenants. He asked about sewer and water hook-ups for the project. Answer: The Bigfork Water & Sewer District is replacing all the lines in the area and will stub up for all 9 units for both sewer and water.

Clarice Ryan asked about parking accommodations for the project. Answer: The units will have double carports for resident parking. The common area has guest parking with a roundabout. There is also a “hammerhead” turn around for fire equipment.

Phil Hanson moved the application be accepted as presented. **Clarice Ryan** seconded the motion. Application passed with unanimous approval.

This application will be heard by the Flathead County Board of Adjustment at the Earl Bennett Building at 1035 First Avenue West in Kalispell on June 6, 2006 at 6:00 PM.

Item 2: A request by Craig Stoddard for a Zoning Variance to property located in the Bigfork SAG-10 (Suburban Agriculture) Zoning District. Specifically, the variance is to Section 3.07.040 3(a), Minimum Yard Requirements for Principal Structure, of the Flathead County Zoning Regulations. The applicant is requesting a variance from the rear setback of a 20-foot requirement, to a 7-foot setback. The property is located at 1313 Holt Drive.

Staff: **Kirsten Holland** reported the owner is Pete Bentley. The lot is located on a bluff with the adjoining property 150 feet below. Shape of the lot is unique. She sees no adverse affects and the application meets the 8 requirements for variance. She recommends approval.

Pete Bentley: added that he has discussed his plans with the neighbors and has received no objections to the variance.

John Bourquin asked if the neighbors had had an opportunity to respond to the notice. Answer: Staff received no neighbor comments from the notice. Mark Cantrell, developer of the neighboring property offered no objections to the variance.

Phil Hanson asked if the building constructed would impact the neighbors on the eastern, uphill side of the property. Answer: Property owner, Ambrose, lot is offset by 900 feet and is higher than the subject property. The building will not obstruct view of that property.

Clarice Ryan commented on the steep road to the property. Answer: there are presently five homes on the road connected to this property.

Public Comment: None

Committee Discussion:

Phil Hanson stated he would feel more comfortable if the Planning Office would provide better directions or markings on property for committee review. Answer: Kirsten Holland stated the Planning Office would accommodate the needs of BLUAC. She asked that the members forward requests for specific information to the Planning Office.

Clarice Ryan moved the application be approved as presented. **Jack Paulson** seconded the motion. Application passed with unanimous approval.

The Flathead Board of Adjustment will review the application for variance on June 6, 2006, 6:00 PM, at the Planning Office located at 1035 First Avenue West, Kalispell.

Item 3: A request by William Price for a Conditional Use Permit to construct a multi-family dwelling within the Bigfork RA-1 (Residential Apartment) Zoning District. The property is located at 104 Sunrise Terrace, in the Crestview Eighty #2 Subdivision.

Staff: **Rebecca Shaw** described the multi-family dwelling as four units. All requirements have been met.

Applicant: **Gary Wardell**, contractor for the project, presented renderings of the project. Lot in a corner parcel. Parking is accommodated with two-car garages. There will be a terraced deck above the garages with view to the east. He plans to landscape in the setbacks and spaces between driveways to the garages.

Public Comment:

Pat Wagner: Asked if the units will be seasonal or permanent residences? Will the cost be considered affordable housing? Answer: The units will be sold separately, hopefully to full time residents. Costs will be competitive, affordable and easy to maintain.

Jana Felt: Lives in 108A Sunrise Terrace and asked how the residents will enter the garages? Answer: each will have their own driveway with landscaping between.

Committee Discussion:

Clarice Ryan: How large are the units? Answer: units are approximately 1,500 sq. ft., between the upper/lower levels. Units are 3 bedroom, 2 bath with a family room adjacent to the terraced deck.

John Bourquin: What will be the price range? Answer: The market range is under \$300,000.

John Bourquin made the motion to approve the application as presented. Phil Hanson seconded the motion. Application passed with unanimous approval.

The Flathead Board of Adjustment will review the application for variance on June 6, 2006, 6:00 PM, at the Planning Office located at 1035 First Avenue West, Kalispell.

Item #4: A request by Cabernet Estates, LLC for Preliminary Plat approval of Cabernet Estates No. 5, an eight (8) lot Townhouse development within the RC-1 Bigfork Zoning District. Applicant proposes to split two (2) single-family lots into eight (8) townhouse lots. The property is located at 324, 332, 340 and 348 Chapman Lane.

Staff: Kirsten Holland noted the development would contain 8 units instead of 2 and result in more impact to the area. There is a 3.5-acre park already dedicated in the subdivision. There are 10 conditions to be met by the developer. There are no comments received from neighbors.

Applicant: Mike Fraser spoke on behalf of Cabernet Estates, LLC. He explained that the original subdivision had been approved for 13 lots. In 1995/1996, the developer changed the lot configuration to 9 larger lots. This application is to return to the original 13 lots. The development will contain 1 single-family lot and 6 duplexes (12 units) for a total of 13 units.

Public Comment:

George Darrow: Stated he lives on Chapman Hill Road about ½ mile north of the development. He described the potholes in the roadway and alligator effect of heavy construction traffic. He maintains the road is in bad shape and the County is hard pressed for road funds. He feels this development should pay some portion of road repair costs caused by development, certainly that portion adjacent to the development. He suggested impact fees would be appropriate in this case. He asked BLUAC to consider conditioning some fees to remedy the impact on the roadway.

Shelley Gonzales: The architecture appears to be mixed between Mediterranean, Italian Villa and now different town homes. It appears to be a hodgepodge of building styles. She asked why there was no architectural control in the subdivision. No response to this question.

Charles Gaugh: Asked for more clarification as to the number of lots in the subdivision. Answer: Lot configuration changes from 9 lots to 13 lots originally approved for the subdivision.

Committee Discussion:

Clarice Ryan: Who maintains the tennis courts and open space? Answer: there are covenants and a Homeowner's Association to cover maintenance of the area.

Jack Paulson: George's comments are correct as to the condition of the roads. There are more homes being built and therefore more taxes paid to the County. I don't think the developers should have to pay for repairs to the road.

Kirsten Holland: Referred to MCA 510, which allows for a calculation of vehicle trips to determine impact of a subdivision. ("MCA 76-5- 510 A local government may require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision. The costs must reasonably reflect the expected impacts directly attributable to the subdivision. A local government may not require a subdivider to pay or guarantee payment for part or all of the costs of construction or extending capital facilities related to education.")

John Bourquin: Motion to approve the application with the condition to this application that Staff evaluate the costs directly attributed to the impact of the subdivision on Chapman Hill Road and include in the final report to the Planning Board. Phil Hanson seconded the motion. Under discussion of the motion, Phil Hanson stated it was time to start a precedent for impact of development. John Bourquin asked if the increase was given the “will serve” from Bigfork Sewer & Water District. Staff stated the developer would need to get that certification. Motion passed unanimously.

The Flathead Planning & Zoning Board will review the application for variance on June 7, 2006, 6:00 PM, at the Planning Office located at 1035 First Avenue West, Kalispell.

Item 5: A request by Brandyland, LLP, for Preliminary Plat approval of Whisper Ridge Subdivision, a fifty-nine lot (23 single family and 36 townhomes) residential Major Subdivision and Planned Unit Development on 14.049 acres. All lots in the subdivision are proposed to have public water and sewer systems. The property is located off Highway 35 in Bigfork.

Staff: Kirsten Holland noted the Flathead County Commissioners had added two suggestions to the application.

1. Provide a mid-point cul-de-sac for Fire protection
2. Redesign lots

She also pointed out the MDOT is to conduct a traffic study at the intersection of Sunset Drive and Hwy 35 to determine the impact of traffic from the subdivision. The estimated increase is 590 vehicle trips.

Applicant: Erica Wirtela explained the historical zoning for the area is R-4. A map was displayed showing the new lot configuration and the cul-de-sac or turn-around for fire protection. The subdivision will have a homogeneous look. The reduction in road easement width does not change the paved road surface area. Bigfork Water & Sewer District has informed the developer that the district is near capacity with approved hook-ups. There is no guarantee of hook-ups at this time. The developer must obtain an approach permit with MDOT. There is 30% open space in the design with strict CCR's and additional buffering planned. Kirsten Holland added it was recommended the storm waste runoff be contained on site. This is ending study by DEQ. Wirtela added construction drainage must be contained on site and approved by DEQ.

Public Comment:

George Darrow: Noted his family had hiked in the area and noted the close proximity to Bigfork Village. The area is scenic and the developers have used sensitivity in the design. The area is steep and rocky with hills, ledges, densely timbered. Heavy brush in the area is a natural firetrap. He suggested the serpentine road could possibly trap people in the event of a fire. A similar situation happened on Mt. Lemon in Arizona where people were trapped in a subdivision without an emergency exit. He suggested a possible emergency exit might be established to the motor home village on the SE adjacent property. He asked the developer consider opening a pathway to the motor home village for fire safety.

Jerry Neilson: Lives at 74 Sunset Drive. He has owned the property since the mid-60's. He agreed with Darrow about the fire danger in this area and expressed concern there could be a disaster with fire in this area. An additional concern is where the subdivision enters Sunset Drive. He explained that traffic is already a serious issue on this road. He is also concerned about storm draining from the subdivision.

Shirley Nielson: Added her concerns about traffic on the narrow road that connects with Hwy 35. She noted the studies by DOT and changes proposed by the study did not take into account another subdivision adding traffic.

Denise Lang: Added her concerns for fire danger in the steep area. She noted a similar problem as Darrow described in the Berkley Hills area.

Elsa ?: Lives at Sunset Point and is concerned about access to Hwy 35. She noted there is presently a long delay to get on to Hwy 35. She is concerned about safety in an already congested area.

Julie Cassetta: Agreed with concerns about access to Hwy 35. Asked if BLUAC could put a condition to the application that addresses traffic problems.

Kirsten Holland: Noted that MDOT has responded with a detailed list of requirements. MDOT will require a traffic impact study, which must be funded by the developer. The application will have a condition that the developer will contain storm water drainage. All conditions must be met for final plat approval.

Erica Wirtela: Gave the web address (www.mt35gibfork.com), which outlines improvements planned for Hwy 35 in the area. The design calls for 10,000 trips per day. Current use is at 8,500 trips per day. The engineering firm did not explore an eastern access for emergency fire safety access. She stated the firm would look at that.

Committee Discussion:

Scott Hollinger: Added the suggestion the developer work with Wayfarer's Park officials regarding joint efforts for fire escape access. He asked if such a condition be included in the covenants. Answer: yes.

Phil Hanson: Echoed the concerns of traffic congestion and fire safety.

John Bourquin: Added emphasis on an emergency exit and concerns about additional traffic at the intersection with Hwy 35.

Clarice Ryan: Thinks the development is too far ahead of infrastructure. She is concerned about fire danger and believes access to Wayfarer's Park is important for fire evacuation.

Scott Hollinger: It would be a blessing to have a traffic light at the intersection. It would also allow for foot traffic between the area and Bigfork Village.

Clarice Ryan moved the application be approved with three conditions: (1) MDOT conduct an impact study and developer complies with MDOT standards. (2) Subdivision receives a "will serve" certification from Bigfork Sewer & Water District and (3) Emergency egress be provided to the south or southeast of the property. John Bourquin seconded the motion. Motion passed unanimously.

The Flathead Planning & Zoning Board will review the application for variance on June 28, 2006, 6:00 PM, at the Planning Office located at 1035 First Avenue West, Kalispell.

New Business:

None

Announcements:

Clarice Ryan announced a Special Meeting for BLUAC is scheduled for June 15, 2006, 6:00 PM at the Bethany Lutheran Church for the purpose of Election of Officers, Appointment of Member At Large and Other Business.

John Bourquin offered his thanks and appreciate to Scott Hollinger and Jack Paulson for their past service to BLUAC.

Meeting was adjourned at 6:20 PM

Sue Hanson
Secretary